IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No. 3434 of 2007.

Deepak Pandurang Upare ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr V. V. Purwant, Advocate for the applicant.

Mr K. V. Saste, A.P.P for the State.

CORAM: V.C. DAGA,J.

DATED: 25TH OCTOBER, 2007.

P.C.:-

1. Heard learned counsel for the applicant and learned APP for the State.

2. Perused the application and material available on record.

3. The applicant is seeking bail under Section 439 of the Cr.P.C., arrested in C.R. No. 174 of 2007 registered with Solapur Taluka Police Station, for the offence punishable under Section 306 read with Section 34 of the I.P.C.

4. According to the learned counsel for the applicant, deceased Anil Khataokar had served as a Manager in the establishment of the father of one of the co-accused; namely, Mrs Ranjana Balkrishna Bulbule run under the name

and style "Natraj Hosiery Center". After the demise of the father of the co-accused Mrs Ranjana, took Anil as her partner; since she did not have knowledge and/or skill of running business. Anil had long standing experience. The entire business was being looked after by Anil Khataokar being the active partner. The present applicant is the brother in law of the co-accused Mrs Ranjana Bulbule. According to the applicant, he is in no way concerned with the suicide committed by the deceased Anil Khataokar.

5. It appears that there was some dispute between the partners with regard to the settlement of the accounts of the said partnership firm. The dispute was of the civil nature. To what extent the applicant can be made responsible for the suicide of Anil would be a question which will have to be tried in a full trial. However, as on date nothing incriminating could be found by the prosecution.

6. Having heard both parties, in my view, no useful purpose would be served by detaining the applicant in the custody till the trial is over. However, while releasing him on bail, certain stringent conditions will serve ends of justice.

7. In the result, the applicant, Deepak Pandurang Upare, be released on bail in connection with C. R. No. 174 of 2007 registered with Solapur Taluka Police Station, under Section 306 read with Section 34 of the I.P.C. subject to furnishing a personal bond of Rs. 25,000/- with one surety in the like amount on following terms and conditions.

a] The applicant shall report to above Police Station once in a week i.e. on every Saturday between 3.00 to 5.00 p.m.till the conclusion of the trial.

b] The order of bail will be given effect only after the applicant furnishes to the Investigating Officer the details about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating Officer.

c] The applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and

shall not in any manner tamper with the prosecution evidence.

d] The applicant shall co-operate with the Investigating Agency in investigation.

e] Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

f] Breach of any of the above conditions may result in cancellation of this order.

8. Application is disposed of in above terms.

(V.C. DAGA,J.)